



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000  
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February 5, 2013

Abe Santos  
City of Bellevue Utilities Department  
450 110<sup>th</sup> Avenue NE  
Bellevue, WA 98009

RE: Water Quality Certification Order #9505 for U.S. Army Corps of Engineers Public Notice  
#NWS-2011-926, East Creek/Richards Creek Stream Modification Project, Wetlands and East  
Creek/Richards Creek, Bellevue, King County, Washington

Dear Mr. Santos:

On October 11, 2011, City of Bellevue Utilities Department submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification (401 Certification) under the federal Clean Water Act for the proposed East Creek/Richards Creek Stream Modification project.

On behalf of the State of Washington, Ecology certifies that the work described in the JARPA and the public notice complies with applicable provisions of Sections 301, 302, 303, 306 and 307 of the Clean Water Act, as amended, and applicable state laws. This certification is subject to the conditions contained in the enclosed Order.

If you have any questions, please contact Rebekah Padgett at (425) 649-7129. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Erik Stockdale  
Wetlands/401 Unit Supervisor  
Shorelands and Environmental Assistance Program

ES:rrp:cja

Enclosure

**By certified mail: 7012 1640 0000 6245 9856**

cc: Susan Powell, U.S. Army Corps of Engineers  
Kris Lepine, Herrera Environmental Consultants  
Larry Fisher, Washington Department of Fish and Wildlife  
Mark Cross, City of Bellevue  
e-cc: Patrick McGraner, Ecology  
Raman Iyer, Ecology  
Loree' Randall, Ecology  
ecyrefedpermits@ecy.wa.gov

<b>IN THE MATTER OF GRANTING A</b>	)	<b>ORDER #9505</b>
<b>WATER QUALITY</b>	)	<b>Corps Reference #NWS-2011-926</b>
<b>CERTIFICATION TO</b>	)	East Creek/Richards Creek Stream Modification
<b>City of Bellevue Utilities Department</b>	)	Project; Wetlands and East Creek/Richards
in accordance with 33 U.S.C. 1341	)	Creek, Bellevue, King County, Washington.
(FWPCA § 401), RCW 90.48.120, RCW	)	
90.48.260 and Chapter 173-201A WAC	)	

TO: Abe Santos  
City of Bellevue Utilities Department  
450 110<sup>th</sup> Avenue NE  
Bellevue, WA 98009

On October 11, 2011, City of Bellevue Utilities Department submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification. A joint public notice regarding the request was distributed by the U.S. Army Corps of Engineers (Corps) for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on August 8, 2012.

The stream modification project includes:

- Channel Modifications and Bank Stabilization: Approximately 430 feet of channel improvements involve enlarging and re-grading the stream channel and wetland benches, and constructing grade control and bank stabilization measures.
- Flood Control Sheet Pile Wall: A 150-foot-long, 2-foot-high (above ground) vinyl flood control sheet pile wall would be installed.
- Wetland Mitigation and Revegetation of Riparian Areas: Work includes restoration of the riparian area adjacent to the East Creek project reach, re-establishment and rehabilitation of wetlands along the banks of the constructed channel as mitigation for temporary and permanent wetland impacts, construction of 5-foot-wide wetland bench habitats on both sides of the channel, and native wetland vegetation planting throughout the project area.

Mitigation for approximately 0.07 acre of permanent and 0.22 acre of temporary riverine wetland will be mitigation through re-establishing and rehabilitating 0.40 acres of on-site wetland.

The project is located at 13301 SE 26<sup>th</sup> Street, Bellevue, King County, Washington, in wetlands and East Creek/Richards Creek, Section 10, T. 24N, R. 5E, WRIA 8.

#### **AUTHORITIES:**

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has examined this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §§ 1311, 1312, 1313, 1316, and 1317 (FWPCA §§ 301, 302, 303, 306 and 307);
2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. § 1313 and by Chapter 90.48 RCW, and with other applicable state laws; and
3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

#### **WATER QUALITY CERTIFICATION CONDITIONS:**

Through issuance of this Order, Ecology certifies that it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will not violate applicable water quality standards and other appropriate requirements of state law. In view of the foregoing and in accordance with 33 U.S.C. § 1341, RCW 90.48.120, RCW 90.48.260 Chapter 173-200 WAC and Chapter 173-201A WAC, water quality certification is granted to the Applicant subject to the conditions within this Order.

Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments occurring as a result of project construction or operations.

#### **A. General Conditions:**

- A1. For purposes of this Order, the term "Applicant" shall mean City of Bellevue Utilities Department and its agents, assignees and contractors.
- A2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Northwest Regional Office, Attn: 401/CZM Federal Project Manager, 3190 160<sup>th</sup> Avenue SE, Bellevue, WA 98008-5452. Any submittals shall reference Order #9505 and Corps Reference #NWS-2011-926.
- A3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on October 11, 2011. The Applicant will be out of compliance with this Order and must reapply with an updated application if the information contained in the JARPA is voided by subsequent changes to the project not authorized by this Order.

- A4. Within 30 days of receipt of an updated JARPA, Ecology will determine if the revised project requires a new water quality certification and public notice or if a modification to this Order is required.
- A5. This Order shall be rescinded if the U.S. Army Corps of Engineers does not issue an individual Section 404 permit.
- A6. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and lead workers, and state and local government inspectors.
- A7. The Applicant shall provide access to the project site and all mitigation sites upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.
- A8. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines that further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect water quality.
- A9. The Applicant shall ensure that all appropriate project engineers and contractors at the project site have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) from each project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins at the project or mitigation sites.
- A10. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources, except as specifically provided for in conditions of this Order.
- A11. Failure of any person or entity to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce its terms.

**B. Wetland Compensatory Mitigation Conditions:**

- B1. The Applicant shall mitigate wetland impacts as described in the *Critical Areas Report – East Creek/Richards Creek Stream Modification* prepared by Herrera Environmental

Consultants, dated January 2013, in conjunction with the *Monitoring and Maintenance Plan for Phase III – East Creek and Richards Creek Stream Modification Project* prepared by Herrera Environmental Consultants, dated January 10, 2013 (hereafter in combination called the “Mitigation Plan”) or as modified by this Order or revised and approved by Ecology.

- B2. The Applicant shall submit any changes to the Mitigation Plan in writing to Ecology (see A2) for review and approval before work begins.
- B3. The Applicant shall get review and written approval from Ecology of any plan changes required if problems arise during construction and planting of the wetland mitigation site.
- B4. The Applicant shall have a wetland professional at the wetland mitigation site to supervise during construction and planting.

Implementation

- B5. Unless otherwise approved by Ecology in writing, the Applicant shall begin the compensatory mitigation project before, or concurrent with, impacting wetlands or Ecology may require additional compensation to account for additional temporal loss of wetland functions.
- B6. If the mitigation site(s) can not be completed within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of
  - a) *Phase III East Creek/Richards Creek Stream Modification Project*With the:
  - b) Reason for the delay.
  - c) Expected date of completion.
  - d) The Applicant shall submit an updated written notification every 12 months thereafter until the *Phase III East Creek/Richards Creek Stream Modification Project* is completed.
- B7. The Applicant shall ensure that all excess excavated site material is disposed of in an appropriate location outside of wetlands and their buffers at the wetland mitigation site and above the 100-year floodplain.
- B8. The Applicant shall ensure that no material is stockpiled within existing wetlands and their buffers at the wetland mitigation site(s) at any time, unless provided for in the Ecology-approved Mitigation Plan.
- B9. The Applicant shall ensure that no construction debris is deposited within existing wetland and their buffers at the wetland mitigation site(s) at any time, unless provided for in the Ecology approved Mitigation Plan.

- B10. The Applicant shall not use polyacrylamide on exposed or disturbed soil at the mitigation site(s).
- B11. The Applicant shall not use hay or straw on exposed or disturbed soil at the mitigation site(s).
- B12. If weed-barrier fabric is used on the site, the Applicant shall use only permeable, fully biodegradable, non-toxic weed-barrier fabric for entire-site and/or individual plant weed control. Non-biodegradable plastic weed-barrier fabric shall be used only at the base of individual plants and shall be removed before it starts to break down, before it interferes with plant growth, or before the end of the monitoring period, whichever comes first.
- B13. If seeding is used at the wetland mitigation site, the seed mix must contain only native, annual, non-invasive plant species.
- B14. The Applicant shall place a minimum of four (4) signs at the mitigation area's boundaries, including buffers, to remind landowners that the restoration site(s) are protected areas (critical areas or buffers).
- B15. Upon completion of site grading and prior to planting, the Applicant shall submit to Ecology written confirmation that the finished grades are consistent with the approved Mitigation Plan or subsequent Ecology-approved plan changes. Written confirmation can be in the form of a signed letter from the surveyor or project engineer indicating how final elevations were confirmed and whether those elevations are consistent with the Mitigation Plan.
- B16. After completing construction and planting of the mitigation sites(s), the Applicant shall submit to Ecology (see A2) an as-built report, including plan sheets, documenting site conditions at Year Zero. The as-built report must:
  - a) Be submitted within 90 days of completing construction and planting. Include one hard copy and one electronic file.
  - b) Include the information listed in Attachment B (Information Required for As-built Reports).
  - c) Include documentation of the recorded legal mechanism required in Condition B17.
- B17. Within 90 days of completing construction and planting of *Phase III East Creek and Richards Creek Stream Modification Project*, the Applicant shall record a Wetlands Notice (see Attachment C: Wetland Notice for Deed Notification). The Notice must be

recorded with the County Recording Office, Registrar of Deeds, or other official responsible for maintaining records for, or interest in, real property.

Monitoring and Maintenance

- B18. The Applicant shall water and maintain all mitigation site plantings so as to meet the Mitigation Plan's performance standards as described in the *Monitoring and Maintenance Plan for Phase III East Creek and Richards Creek Stream Modification Project*.
- B19. The Applicant shall monitor the mitigation site for a minimum of 10 years. The Applicant shall use the monitoring methods described on page(s) 17-25 of the *Monitoring and Maintenance Plan for Phase III East Creek and Richards Creek Stream Modification Project*.
- B20. The Applicant shall submit to Ecology (see A2) monitoring reports documenting mitigation site conditions for years 1, 2, 3, 5, 7, 9, and 10. The monitoring reports must:
- a) Be submitted by December 31 of each monitoring year. Include one hard copy and one electronic file.
  - b) Include the information listed in Attachment D (Information Required for Monitoring Reports).
- B21. The Applicant shall implement the Mitigation Plan's contingency measures if the Mitigation Plan's goals, objectives, or performance standards are not being met.
- B22. Prior to implementing contingency measures not specified in the Mitigation Plan, the Applicant shall consult with and obtain written approval from Ecology for the changes.
- B23. When necessary to meet the performance standards, the Applicant shall replace dead or dying plants with the same species, or an appropriate native plant alternative, during the first available planting season and note species, numbers, and approximate locations of all replacement plants in the subsequent monitoring report.
- B24. If the Applicant has not met all conditions and performance standards for the mitigation site at the end of the monitoring period, Ecology may require additional monitoring, additional mitigation, or both.
- B25. Until the Applicant has received written notice from Ecology that the Mitigation Plan has been fully implemented, the Applicant's obligation under Condition B1 to mitigate for wetland impacts is not met.

**C. Water Quality Condition:**

- C1. East/Richard Creeks are classified as “Salmonid Spawning, Rearing, and Migration” and the criteria of that class apply except as specifically modified by this Order. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-200(1)(e)(i).
- C2. In-Water Construction Water Quality Sampling and Monitoring: A Water Quality Protection and Monitoring Plan (Plan) shall be developed and implemented. “In-water construction” is defined as all work below the ordinary high water mark of East/Richard Creeks.

The Plan shall include the following minimum requirements:

- a. Locations of samples: Locations of water quality sampling sites shall be identified and described in the Plan and on a map of the project area. At a minimum, sampling shall take place at the point of compliance as specified in WAC 173-201A-200(1)(e)(i), which allows a 100-foot temporary area of mixing for turbidity resulting from disturbance of in-place sediments in East/Richard Creeks. Background samples shall be collected outside the area of influence of the in-water work. Background samples shall be collected at the same frequency as the point of compliance samples.
- b. Number of samples: Number and frequency of water quality samples to be taken.
- c. Parameter to be sampled: Turbidity shall be sampled for this project.
- d. Equipment: Sampling for turbidity is to be accomplished using a turbidometer properly calibrated according to the operator’s manual.
- e. Best Management Practices (BMPs): A description of the BMPs that will be used during construction to protect water quality.
- f. Detection of exceedances: Water quality standards for turbidity in “Salmonid Spawning, Rearing, and Migration” waters are as follows: turbidity shall not exceed 5 NTU over background conditions when the background is 50 NTU or less, or a 10 percent increase in turbidity when the background turbidity is more than 50 NTU. If exceedances of this standard at the point of compliance specified in WAC 173-201A-200(1)(e)(i) is detected through water quality sampling and monitoring, the Applicant shall immediately take action to stop, contain, and prevent unauthorized discharges or otherwise stop the violation and correct the problem. After such an event, the Applicant shall assess the efficacy of the site BMPs and update or improve the BMPs used at the work site in an effort to reduce or prevent recurrence of the turbidity exceedance.



- g. Reporting: If no exceedances are detected, results of water quality sampling, as determined by the Plan, shall be forwarded to Ecology on a monthly basis in accordance to Condition A2.
- h. Notification of exceedances: Notification of exceedances that are detected through water quality sampling shall be made to Ecology within 24 hours of occurrence. Notification shall be made with reference to Order #9505, Attn: 401/CZM Federal Project Manager, by telephone at (425) 649-7129 or (425) 649-7000, or by fax to (425) 649-7098. The Applicant shall, at a minimum, provide Ecology with the following information:
  - i. A description of the nature and cause of exceedance.
  - ii. The period of non-compliance, including exact dates, duration, and times and/or the anticipated time when the Applicant will return to compliance.
  - iii. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the non-compliance.
  - iv. In addition, within five (5) days after notification of an exceedance, the Applicant shall submit a written report to Ecology that describes the nature of the exceedance, turbidity results and location, photographs, and any other pertinent information.

**D. Conditions for Construction Activities:**

- D1. Construction stormwater, sediment, and erosion control best management practices (BMPs; e.g., filter fences, etc.) suitable to prevent exceedances of state water quality standards shall be in place before starting construction at the site.
- D2. Sediment and erosion control measures shall be inspected and maintained prior to and during project implementation.
- D3. Machinery and equipment used during construction shall be serviced, fueled, and maintained upland, unless otherwise approved by Ecology, in order to prevent contamination to any surface water.
- D4. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall be contained for proper disposal, and shall not be discharged into state waters or storm drains.

- D5. Clean Fill Criteria: Applicant shall ensure that fill (soil) placed for the proposed project does not contain toxic materials in toxic amounts.
- D6. Work in or near the water that may affect fish migration, spawning, or rearing shall cease immediately upon a determination by Ecology that fisheries resources may be adversely affected.
- D7. All manmade debris that has been deposited below the Ordinary High Water Line within the construction work area shall be removed and disposed of upland such that it does not enter waters of the state. Concrete rubble, metal debris, and other debris in the construction work corridor that has washed into wetland and freshwater areas shall be removed from the project area.
- D8. All temporary flow diversion materials shall be removed following construction.

**E. Emergency/Contingency Measures:**

- E1. The Applicant shall develop and implement a Spill Prevention and Containment Plan for all aspects of this project.
- E2. The Applicant shall have adequate and appropriate spill response materials on hand to respond to emergency release of petroleum products or any other material into waters of the state.
- E3. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters.
- E4. Any work that is out of compliance with the provisions of this Order, or conditions causing distressed or dying fish, or any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, is prohibited. If these occur, the Applicant shall immediately take the following actions:
  - a. Cease operations at the location of the violation or spill.
  - b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
  - c. Notify Ecology of the failure to comply. All oil spills shall be reported immediately to Ecology's 24-Hour Spill Response Team at 1-800-258-5990, **and** within 24 hours of spills or other events to Ecology's 401/CZM Federal Project Manager at (425) 649-7129 or (425) 649-7000.

- d. Submit a detailed written report to Ecology within five (5) days that describes the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.

Compliance with this condition does not relieve the Applicant from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.

**F. Timing Requirements**

- F1. All in-water work shall be completed by the work window identified in the most current Hydraulic Project Approval (HPA) issued for this project. Any project change that requires a new or revised HPA should also be sent to Ecology for review.
- F2. This Order is valid until all compliance requirements in this document have been met.

**G. Reporting and Notification Requirement Conditions**

- G1. The Applicant shall provide to Ecology's 401/CZM Federal Permit Manager a copy of the final Corps permit within 2 weeks of receipt of the permit. A copy shall be submitted per condition A2 above.
- G2. Applicant shall provide notice to Ecology's 401/CZM Federal Project Manager:
  - At least three (3) days prior to the start of construction.
  - Within 14 days after completion of construction at the project site.
  - At least seven (7) days within the start of impacts to wetlands.
  - At least seven (7) days prior to completing each wetland mitigation site.

Notification, referencing Corps Reference #NWS-2011-926, Order #9505 can take place by telephone to (425) 649-7129 or (425) 649-7000, fax to (425) 649-7098, or in writing.

- G3. If the project construction is not completed within 13 months of issuance of this Order, the Applicant shall submit per Condition A2 a written construction status report and submit status reports every 12 months until construction and planting is complete.

## **YOUR RIGHT TO APPEAL**

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do both of the following within 30 days of the date of receipt of this Order:

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

## **ADDRESS AND LOCATION INFORMATION**

<b>Street Addresses</b>	<b>Mailing Addresses</b>
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW STE 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

## **CONTACT INFORMATION**

Please direct all questions about this Order to:

Rebekah Padgett  
Department of Ecology  
Northwest Regional Office  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008  
(425) 649-7129  
[rebekah.padgett@ecy.wa.gov](mailto:rebekah.padgett@ecy.wa.gov)

## **MORE INFORMATION**

Pollution Control Hearings Board Website

[www.eho.wa.gov/Boards\\_PCHB.aspx](http://www.eho.wa.gov/Boards_PCHB.aspx)

Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board

<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>

Chapter 371-08 WAC – Practice And Procedure

<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>

Chapter 90.48 RCW – Water Pollution Control

<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

Chapter 173-204 WAC – Sediment Management Standards

[www.ecy.wa.gov/biblio/wac173204.html](http://www.ecy.wa.gov/biblio/wac173204.html)

Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington

[www.ecy.wa.gov/biblio/wac173200.html](http://www.ecy.wa.gov/biblio/wac173200.html)

Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington

[www.ecy.wa.gov/biblio/wac173201A.html](http://www.ecy.wa.gov/biblio/wac173201A.html)

## **SIGNATURE**



Erik Stockdale, Unit Supervisor  
Wetlands/401 Unit  
Shorelands and Environmental Assistance Program  
Northwest Regional Office

2-5-2013

February 5, 2013

**ATTACHMENT A**

**CITY OF BELLEVUE UTILITIES DEPARTMENT  
EAST CREEK/RICHARDS CREEK STREAM MODIFICATION PROJECT  
Water Quality Certification Order #9505**

**Statement of Understanding of  
Water Quality Certification Conditions**

I have read and understand the conditions of Order #9505 Section 401 Water Quality Certification for the City of Bellevue Utilities Department East Creek/Richards Creek Stream Modification Project. I have also read and understand all permits, plans, documents, and approvals associated with the project referenced in this Order.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Company

**Attachment B**  
**Information Required for As-built Reports**

**CITY OF BELLEVUE UTILITIES DEPARTMENT**  
**EAST CREEK/RICHARDS CREEK STREAM MODIFICATION PROJECT**  
**Water Quality Certification Order #9505**

**Corps Reference #NWS-2011-926**

**Background Information**

- 1) Project name.
- 2) Ecology reference number and the Corps reference number.
- 3) Name and contact information of the person preparing the as-built report. Also include the names of:
  - a) The applicant.
  - b) The landowner (if different than the applicant).
  - c) Wetland professional on site during construction of the compensatory mitigation site.
- 4) Date the report was produced.

**The Compensatory Mitigation Project**

- 5) Brief description of the **final** compensatory mitigation project with any changes from the approved plan made during construction. Include:
  - a) **Actual** acreage and type(s) (re-establishment, rehabilitation, creation, enhancement, and preservation) of mitigation authorized to compensate for wetland impacts.
  - b) Important dates including:
    - i. Start of project construction.
    - ii. When work on the compensatory mitigation site began and ended.
    - iii. When different activities such as grading, removal of invasive plants, installing plants, and installing habitat features began and ended.
- 7) Description of any problems encountered and solutions implemented (with reasons for changes) during construction of the compensatory mitigation site.
- 8) List of any follow-up actions needed, with a schedule.
- 9) Final site maps (8-1/2" x 11" or larger) of the compensatory mitigation site(s), including the following (at a minimum):
  - a) Geographic location of the site with landmarks;
  - b) Clear delineation of the project perimeter(s);
  - c) Topography (with a description of how elevations were determined);
  - d) Installed planting scheme (quantities, densities, sizes, and approximate locations of plants, as well as the source(s) of plant material);
  - e) Location of habitat features;

f) Location of permanent photo stations.

The final site maps should reflect on-the-ground conditions after the site work is completed. Include the month and year when the maps were produced and, if applicable, when information was collected.

- 10) Photographs of the site at as-built conditions taken from permanent photo stations. We recommend photo pans.
- 11) Copies of any records of deed notifications or conservation easements.



**Attachment C**  
**Wetland Notice for Deed Notification**  
**(See Condition B17)**  
**CITY OF BELLEVUE UTILITIES DEPARTMENT**  
**EAST CREEK/RICHARDS CREEK STREAM MODIFICATION PROJECT**  
**Water Quality Certification Order #9505**

**Corps Reference #NWS-2011-926**

Tax Parcel Number: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Legal Owner: \_\_\_\_\_

NOTICE: This property contains wetlands as defined by Chapter 36.70A030(20) RCW, Chapter 90.58.030 (2)(h) RCW and WAC 173-201A-020. The property was the subject of an Ecology action under Chapter 90.48.260 RCW or Chapter 90.48.120(1) RCW.

\_\_\_\_\_, issued on \_\_\_\_\_, 20\_\_\_\_  
(Corps federal reference #) Ecology Docket #

to \_\_\_\_\_ for \_\_\_\_\_  
(Applicant Name) (Project Name)

Restrictions on use or alteration of the wetlands may exist due to natural conditions of the property and resulting regulations. A copy of Ecology's Order and the site map from the final wetland mitigation plan indicating the location of wetlands and their buffers is attached hereto.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

State of Washington)  
County of \_\_\_\_\_)

I certify that I know or have satisfactory evidence that \_\_\_\_\_  
Signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in this instrument.

GIVEN under my hand an official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC in and for the state of Washington,  
residing at \_\_\_\_\_.(Amended by

**Attachment D**  
**Required Information for Monitoring Reports**  
**(See Condition B20)**

**CITY OF BELLEVUE UTILITIES DEPARTMENT**  
**EAST CREEK/RICHARDS CREEK STREAM MODIFICATION PROJECT**  
**Water Quality Certification Order #9505**

**Corps Reference #NWS-2011-926**

Ecology requires the following information, for monitoring reports submitted under this Order. Ecology will accept additional information that may be required by other regulators.

**Background Information**

- 1) Project name
- 2) Ecology docket number and Corps reference number
- 3) Name and contact information of the parties responsible for the mitigation site including:
  - a) The applicant
  - b) The landowner
- 4) Name and contact information for the party responsible for the monitoring activities and report
- 5) Who the report was prepared for (name, address, and phone number) *{if different from number 3 above.}*
- 6) Month and year the monitoring data were collected
- 7) Month and year the report was produced

**Mitigation Project Information**

- 8) Brief description of the mitigation project including:
  - a) Directions to the site
  - b) Acreage and type(s) (re-establishment, rehabilitation, creation, enhancement, and preservation) of mitigation authorized to compensate for wetland impacts
- 9) Brief description of monitoring approach and methods.
- 10) A list of the goals and objectives for the mitigation project
- 11) Summary table of monitoring data compared with performance standards. Using the monitoring data, describe how the site is developing toward goals and objectives and whether the project is in compliance with performance standards
- 12) Summary (including dates) of management actions (maintenance, contingencies, and corrective actions) implemented at the site(s)
- 13) Summary of any difficulties or significant events that occurred on the site that may affect the ultimate success of the project

- 14) Specific recommendations for any additional corrective actions or adaptive management with a time table
- 15) Summary of any lessons learned
- 16) Site maps (8 1/2" x 11" or larger) of the compensatory mitigation site(s) including the following (at a minimum):
  - a) The month and year when the maps were produced and, if applicable, when information was collected
  - b) The geographic location of the site with landmarks.
  - c) Clear delineation of the project perimeter(s).
  - d) Species, numbers, and approximate locations of all replanted material vegetation.
  - e) Location of habitat features.
  - f) Location of permanent photo stations and location of any other photos.
  - g) Location of sampling points or transects.
- 17) Photographs taken at permanent photo stations (and other photographs as needed) from the most recent monitoring visit, which are dated and clearly indicate the direction from which the photo was taken. We recommend photo pans.